

Resolution #TC-

Approving a CDOT Residential Real Estate Loan to a Displaced Person as a Lender of Last Resort

WHEREAS, the Transportation Commission is responsible, pursuant to C.R.S. 43-1-106(8), for formulating the general policy of the Colorado Department of Transportation (CDOT) and for promulgating all department budgets; and

WHEREAS, as a condition of the receipt and use of federal-aid transportation funds, CDOT must comply with a multitude of federal requirements, including complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. 4601 et seq., and federal regulations promulgated pursuant thereto (Federal Regulations); and

WHEREAS, Colorado enacted state statutes on Relocation Assistance and Land Acquisition Policies, C.R.S. 24-56-101 et seq., for purposes of complying with the federal law and to establish a “uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by state agencies and political subdivisions of the state for federally assisted programs and projects;” and

WHEREAS, as part of the 120th Avenue Connection Project in the City and County of Broomfield, CDOT Project No. STA 1281-011, Unit 2, CDOT acquired the residence of Lee Milne making Mr. Milne a “displaced person” eligible to receive relocation assistance including assistance in the purchase of a replacement dwelling under the Federal Regulations; and

WHEREAS, Mr. Milne has applied for several residential real estate loans and, despite having an excellent credit record, has been unable to qualify for such a loan; and

WHEREAS, the Federal Regulations, 49 CFR 24.404(c), provide that a displaced person shall not be required to move until comparable replacement housing is available, that “agencies shall have broad latitude in implementing . . . on a case by case basis” the provision of replacement housing of last resort and that among the methods of providing replacement housing of last resort is authority for “the provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free;” and

WHEREAS, CDOT has represented to Mr. Milne that it would make a residential real estate loan in a maximum amount of \$100,000 which would be secured by a deed of trust on the real property Mr. Milne purchased as comparable replacement housing.

NOW THEREFORE BE IT RESOLVED, due to the unique circumstances of this case, the Transportation Commission approves CDOT making a residential real estate loan in a maximum amount of \$100,000 secured by a deed of trust on the real property purchased by Mr. Milne as comparable replacement housing.